

JOINT ANTELOPE VALLEY AUTHORITY

Board Meeting January 15, 2002

Meeting Began at: 8:30 a.m.
Meeting Ended at: 9:07 a.m.

Members Present: Roger Figard, Scott Lewis, Glenn Johnson

Others Present: Amy Cornelius, Rick Herrick, Delores Lintel, Randy Stramel, Pam Manske, Jim Cook, Bruce Sweney, Beth Thacker, Terry Uland, Joel Pedersen, Margaret Remmenga, Jim Christo, James Mastera, Ted Von Briesen, Mike Morosin, Glenn Cekal, Wynn Hjermstad, Duncan Ross

Order No. 02-01 - Call Meeting to Order

The Joint Antelope Valley Authority Meeting was called to order by Glenn Johnson at 8:30 a.m. Scott Lewis represented Christine Jackson in her absence. Roger Figard represented Allan Abbott in his absence.

Order No. 02-02 - Minutes of Previous Meeting

Lewis moved to approve the minutes from the JAVA Board meeting on September 18, 2001. Figard seconded.

AYE: Johnson, Lewis, Figard
NAY:

Order No. 02-03 - Agreement Between JAVA and City of Lincoln for Right-of-Way Acquisition and Relocation Services

Joel Pedersen stated that the parameters of this is set up as an interlocal which is based on cost-reimbursement. That structure has worked so far with Public Works and Engineering Services. The outline is essentially the same. Johnson clarified that this agreement is with the Urban Development Department and that they would be acquiring right-of-way and relocation for all of the aspects of the project. Pedersen indicated that this is the means to compensate them for providing those services if the Board wishes to proceed in this matter. This is not a mandatory thing, the Board does not have to use those services.

Lewis referred to the Term and Termination section of the agreement, and requested that the dates be adjusted. Pedersen indicated that this had been done.

Johnson inquired if Urban Development would do this with their own forces or they might contract? Pedersen said that this was correct, that some of the professional services are out-sourced.

Figard moved to adopt the agreement with the correction on the date, to 2002, in Section 5, Term and Termination. Lewis seconded. Motion to approve the agreement between JAVA and the City of Lincoln for Right-of-Way Acquisition and Relocation Services with the adjustment to the time frame.

AYE: Johnson, Lewis, Figard
NAY:

Order No. 02-04 - Approval of Forms for Acquisition Documents

Pedersen handed out a packet entitled Phase 1 Logistical and Acquisition Guidelines and Forms to the Board. [This packet is available for viewing at Engineering Services.] Pedersen assembled a series of documents which include: Acquisition Regulations, Appraisal Services Agreement, Environment Site Assessment Agreements, Land Title Survey Standards, Public to Public Transfer Agreement, Purchase Agreement (Fee), Easement Purchase Agreement, Street Vacation Instructions, and City Relocation Assistance Manual. He generally reviewed each section of the packet. These guidelines are meant to assist the chair of the JAVA Board.

Lewis inquired about the Appraisal Services Agreement and the ESA Agreement both seem to anticipate that JAVA is contracting directly for those services rather than using the City's Real Estate Division. Is this set up as an alternative to using the process laid out under the earlier tab? Pedersen indicated that this was correct. If we can use this packet as a reference point and say this is what was anticipated for use with JAVA, this is beneficial for two reasons. First, if you do want to do it on your own, you can. Second, if the City is doing it on JAVA's behalf, then we can look to this form and say this is what the Board expects. Lewis pointed out that the forms also call for the chairman's signature for JAVA. Is it anticipated that the JAVA Board will have to approve any of these agreements or is that an administrative function? Pedersen stated that, right now, as the By-Laws work, the chair does have contract signing authority but that would be limited to only those things that the Board has authorized in terms of budgetary expenditures. The Board's control is primarily through financial means. Once those projects are authorized, then the chair person would be allowed to sign the administrative contracts. The Board can decide that they wish to see all the individual contracts and authorize them individually.

Johnson proposed that the Board adopt the packet as guidelines and forms to be followed. Figard moved to do so, Lewis seconded the motion.

AYE: Johnson, Lewis, Figard

NAY:

Comments from the public:

Mike Morosin would like those documents made available so that he can obtain a copy for reviewing. Morosin inquired as to why doesn't the Department of Roads do the acquisition? Morosin submitted a packet to the Board entitled Relocation Notes. He wished to update the Board on this matter so that they could see what types of questions that are being asked. He also requested that the Board be more up-front with the relocation process. Citizens have decisions to make and need enough notice to plan.

Figard responded to Morosin's question on NDOR doing the acquisition. Figard indicated that NDOR would not be interested in such a project unless it had a tie to a U.S. Highway or had more financial involvement. Figard thought that the City Departments and sponsors were better postured to do it well and with the community. The Board will continue to monitor the area.

Order No. 02-05 - Procedure for Appointments to Citizen's Committee

Johnson proposed the following procedure for Appointments to the Citizen's Committee:

The initial members to the JAVA Citizen's Committee will be appointed for staggered terms: three members of one-year, two-year, and three year terms. At the expiration of these initial terms, new appointments or reappointments shall be for three-year terms. Seated members shall be eligible for reappointment.

Prior to the expiration of terms, JAVA will give notice to the seated Citizen Committee members and to the general public of such expirations and the process and terms for application. Persons wishing to be considered for appointment, including seated members seeking reappointment, shall submit a resume and letter of interest to JAVA. In the event of a vacancy during a seated term, JAVA will follow a similar process for appointment to fill the unexpired term.

In considering persons for appointment or reappointment or to fill a vacancy, JAVA shall strive to appoint a person representative of the interest or geographic area similar to the previous member.

Lewis asked if we should state specifically how long prior to the expiration of the term, so that we can give people an opportunity to know of the vacancy and to express an interest in filling the position. Johnson suggested that 60 days would be reasonable and could be written in to the procedure.

Lewis moves approval as amended. Figard seconded.

AYE: Johnson, Lewis, Figard

NAY:

Order No. 02-06 -Retention of Lobbyist Services for 2002

Johnson indicated that the legislative session has begun. Last year, legislation was passed regarding funding for part of the Antelope Valley project. During that session, JAVA had retained the services of Cutshall & Associates to represent JAVA at the Unicameral, which went through the end of the calendar year. We have a proposal to renew representation from Cutshall & Associates for JAVA for the 97th legislature, 2nd session this year. The terms would be; the fee for such services would be \$12,000 payable in four equal monthly payments during the months of January - April 2002. It is also our understanding that should there be a special session in 2002 pertaining to matters of interest to JAVA, Cutshall & Associates would be paid an additional \$3000 for such special session services. There fee for last year was \$18,000. Figard stated that there is money in the current JAVA budget for that kind of activity if approved, beginning of the fiscal year.

Figard moved to adopt the renewal of services from Cutshall & Associates. Lewis seconded.

AYE: Johnson, Lewis, Figard

NAY:

Order No. 02-07 - Staff Reports

Johnson stated that there was a 3-day construct ability workshop for Antelope Valley and asked Figard to give a brief report. The results of the workshop is still in the preliminary form. Figard said that a number of staff representing all three sponsors attended. The Planning and Study Phase is over and we have authorization to move ahead with construction. The workshop proved that we can take a plan and put it into action. The challenge before us was how would we build it. There was considerable time spent on access, people will still have to be able to move about in the project area. The group worked in setting up priorities that had to do with access, construct ability, and critical path. They came up with a series of recommendations that are being reviewed. There is also a series of construction contracts in packages that do provide access. As soon as those packages and the process is more formalized it will be available. The Corps schedule drives this process. Figard indicated that the timing for this process to be made public is projected to be within a couple of weeks.

Figard stated that the Antelope Valley Project Manager position went before the City Council and was approved. This position shows a commitment from Allan Abbott and the City in having a individual with a lot of construction and engineering experience, 100% dedicated in making sure the timing, the schedule, and the process that this Board, the community and the committee have laid out, gets followed through. That individual does not change policy or direction but carries out direction from the Board.

Pedersen gave an update on the lawsuit. The lawsuit is in the Nebraska Court of Appeals. The first brief was submitted from the opponents at the end of the year. We are in the process of preparing a response to that brief. We have filed for a Motion of Summary Affirmance which asks the appeals court to decide the issue without extensive briefings. The briefings schedule would extend out so that the reply brief would be submitted to the court at the end of March. From that point it may be 3-9 months before there would be oral

argument if necessary. A decision would follow that.

Order No. 02-08 - Report and Comments from Citizen's Committee

Randy Stramel had no reports to present from the Citizen's Committee. He would like to see copies of the results from the Antelope Valley Construct Ability Workshop be made available. Johnson indicated that as soon as the Executive Summary is made available that we would schedule a meeting of the Citizen's Committee and go through the report thoroughly.

Morosin referred to the Final Environmental Impact Statement (FEIS) and the section dealing with moving expenses. He expressed concern that we ensure that there is enough money available for moving expenses. His concerns were mostly for the citizens who are on a fixed income and that this process can be costly. Figard stated that he appreciated the concerns being addressed, but wanted to make sure that we are not mixing dollars for relocation of persons and businesses versus dollars for relocating a structure.

Order No. 02-09 - Public Comments on Non-Agenda Items

Johnson moved to adjourn the meeting. Figard seconded.
Meeting adjourned at 9:07 a.m.